



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

January 7, 2009

FOR MORE INFORMATION, CONTACT:

Tom Ring or Greg Hallsten
DEQ Environmental Management Bureau
(406) 444-4953
tring@mt.gov or ghallsten@mt.gov

To:

1. Billings Gazette
2. Miles City Star
3. Great Falls Tribune
4. Helena's Independent Record
5. Missoulian
6. Montana Standard
7. Daily Inter Lake
8. Glasgow Courier
9. Phillips County News
10. Circle Banner
11. Ranger-Review
12. Fallon County Times
13. Daniels County Leader
14. Sheridan County News
15. Terry Tribune
16. The Herald News
17. Culbertson Searchlight

Dear Editors:

Please publish the following legal notice in your newspaper once a week for the next two weeks, preferably in consecutive Sunday editions, if you have one, beginning January 11, 2009:

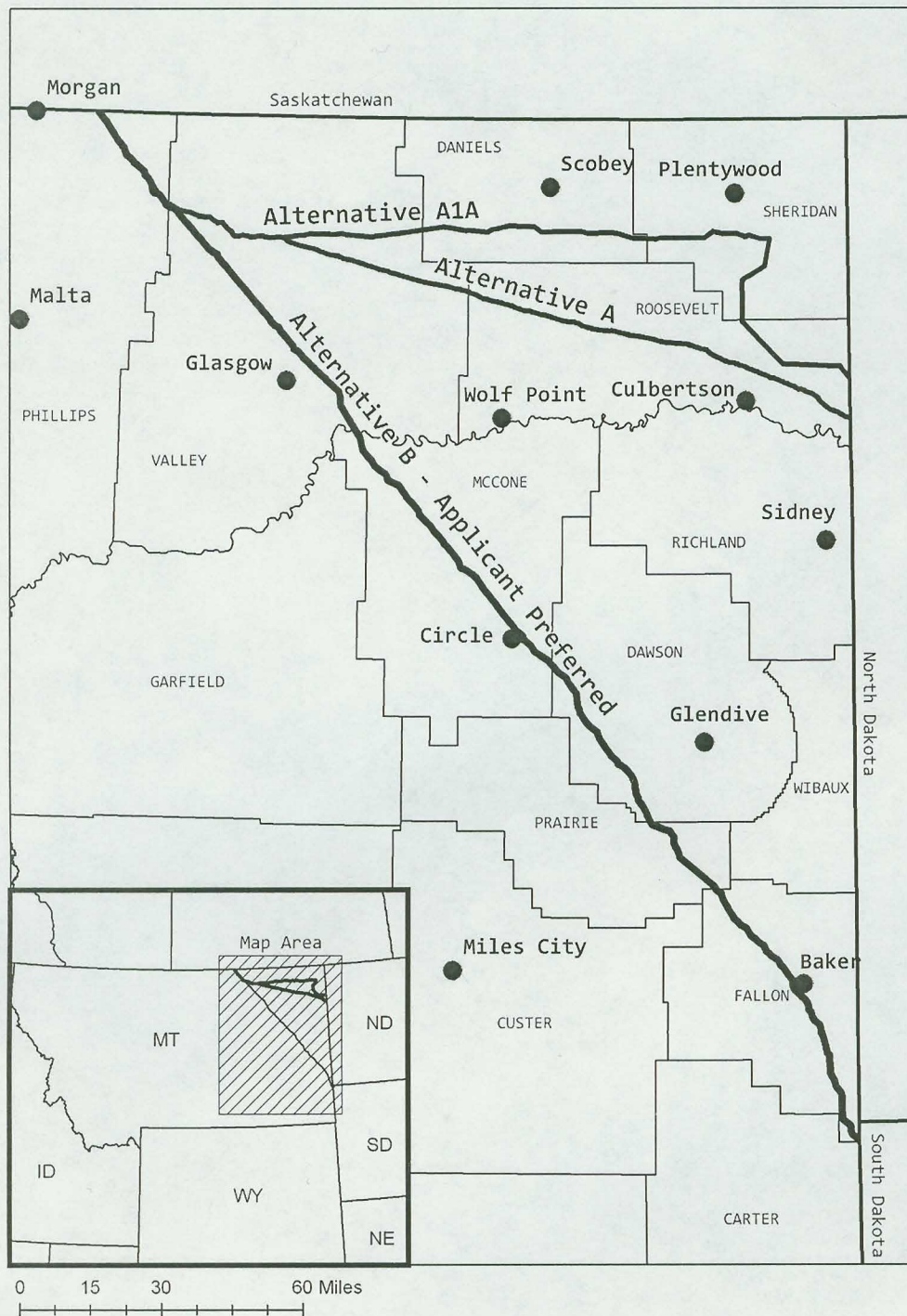
LEGAL NOTICE

Notice of Application and Preparation of an Environmental Impact Statement

Montana Major Facility Siting Act Application

Keystone XL Project

TransCanada Keystone Pipeline, L.P. (Keystone), 450 1st Street, S.W., Calgary, Alberta, Canada, T2P 5H1, has submitted a Major Facility Siting Act (MFSA) application to the Montana Department of Environmental Quality (DEQ) to construct and operate a 36-inch-diameter crude oil pipeline. Keystone proposes to construct, operate, and maintain the line from Hardisty, Alberta, southeast through Montana and ultimately to the Gulf Coast area of Texas in the U.S.



DEQ and U.S. Department of State (DOS) will prepare an environmental impact statement (EIS) examining project need as well as potential impacts of the proposed alignment and major routing alternatives identified during the review. Pursuant to the requirements of 75-20-302, MCA, and ARM 17.4.501, DEQ is providing notice to persons owning property in the area that may be

affected by the line or alternatives, along with notice to persons who may wish to comment on other permits under DEQ's jurisdiction that may be required prior to project construction.

At this time, DEQ anticipates that there would be no air or solid waste permits required and that construction waste would be disposed of at facilities licensed to accept such materials. Keystone XL is expected to need water quality permits under Section 318 of the Montana Water Quality Act for new discharges and, 401 certifications for pipeline crossings watercourses that would need Section 404 permits from the U.S. Army Corps of Engineers. These streams are listed below. Montana Pollutant Discharge Elimination System (MPDES) permits for hydrostatic test water discharge and trench dewatering, also may be needed for few of the streams listed below. Locations for these permits will not be known until final design is completed. Applicants would be required to implement a storm water pollution prevention plan that addresses sedimentation associated with project construction.

Pursuant to 17.4.501, DEQ expects to receive applications for 318 permits and 401 certifications for the following state waters: In Daniels County: Hell Creek (5), West Fork Poplar River (3), Police Creek, Poplar, Smoke Creek, Wolf Creek, and 43 unnamed watercourses. In Dawson County: Cottonwood Creek (3), Berry Creek, Clear Creek, Yellowstone River, and 63 unnamed watercourses. In Fallon County: Dry Fork Creek, Pennel Creek, Sandstone Creek, Red Butte Creek, Hidden Water Creek, Little Beaver Creek, Soda Creek, Sheep Creek, North Fork Coal Bank Creek, South Fork Coal Bank Creek, Boxelder Creek, and 84 unnamed watercourses. In McCone County: West Fork Lost Creek, West Fork Hungry Creek, Cheer Creek, Bear Creek (2), North Prong Shade Creek (5), Shade Creek (3), South Fork Shade Creek, Flying V Creek (3), Figure Eight Creek, Middle Fork Prairie Elk Creek, East Fork Prairie Elk Creek, Lone Tree Creek (2), Redwater River, Buffalo Springs Creek, West Fork Buffalo Springs Creek, and 112 unnamed watercourses. In Phillips County: Big Muddy Creek, East Fork Whitewater Creek, Rock Creek, and 143 unnamed watercourses. In Prairie County: Cabin Creek (2), West Fork Hay Creek, Hay Creek, McNaney Creek, and 25 unnamed watercourses. In Roosevelt County: Long Creek, Middle Fork Porcupine Creek, Poplar River, Rock Creek, Sand Creek, Sheep Creek, Shell Creek, Shotgun Creek (3), Spring Creek, Tule Creek, West Fork Little Porcupine Creek, West Fork Porcupine Creek, Willow Creek, East Shotgun Creek, Snake Creek, and 118 unnamed watercourses. In Sheridan County: East Fork Whitewater Creek, Crazy Horse Creek, Otter Creek, Big Muddy Creek, Reserve Creek, Neiser Creek, Diversion Ditch Number One, Lake Creek, Lost Creek, West Shotgun Creek, and 41 unnamed watercourses. In Valley County: Bear Creek, Bog Creek, Boxelder Creek, Brush Fork, Buggy Creek (3), Burnett Creek (2), Canyon Creek (2), Cherry Creek, Chisholm Creek (2), Collins Creek (4), Cottonwood Creek (2), Deer Creek, Eagles Nest Coulee (2), East Fork Cash Creek, East Fork Cherry Creek, East Fork Collins Creek (2), East Fork Little Porcupine Creek, East Fork Whitewater Creek, Hell Creek, Lime Creek, Little Muddy Creek, Long Creek, Middle Fork Porcupine Creek, Milk River, Missouri River, Rock Creek, Spring Creek, West Fork Porcupine Creek, Willow Creek (2), and 249 unnamed watercourses.

Members of the public may comment on the applications through March 6, 2009. In addition, DEQ and DOS will hold public scoping meetings to collect input on issues and concerns related to the certificate of compliance and water quality permits as well as other issues that should be addressed in the EIS. Members of the public may also submit written comments to DEQ prior to the close of the scoping period. The dates and locations of the public scoping meetings and an additional deadline for submitting comments will be announced at a later date and in a separate legal notice.

Following the scoping period, a draft EIS will be prepared. A public comment period on the draft EIS will be provided. During this period the agencies will hold hearings on the project after the draft EIS is published and a preferred alternative is identified and a preliminary decision to grant or deny relevant permits is made.

Questions about the MFSA application can be directed to Tom Ring, Environmental Management Bureau, Montana Department of Environmental Quality, PO Box 200901, Helena, Montana 59620-0901, (406) 444-6785. Questions about the 318 permits and 401 certifications should be addressed to Jeff Ryan, Water Protection Bureau, Montana Department of Environmental Quality, PO Box 200901, Helena, Montana 59620-0901, (406) 444-4626.

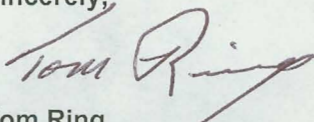
To submit relevant comments, questions, or concerns about the EIS or the application, write to Mr. Greg Hallsten, Director's Office, Montana Department of Environmental Quality, PO Box 200901, Helena, Montana 59620-0901, or e-mail to Keystone@mt.gov. Comments may also be submitted orally or in writing at the public scoping meetings. Individuals needing an alternatively accessible form of this notice should contact Mr. Hallsten at the address above.

In addition, please attach an affidavit of publication, with an original tear sheet for the run date, to your invoice and send them to:

Department of Environmental Quality
Environmental Management Bureau
1520 East 6th Avenue
PO Box 200901
Helena MT 59620-0901

Please charge to DEQ account number: RC # 535210, DOC # EMB 5039-0101

Sincerely,



Tom Ring
Department of Environmental Quality
Environmental Management Bureau
Montana Facility Siting Program
